

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

JORGIE FRANKS,

Petitioner/Cross-Respondent,

Appeal Case Nos. 16-10644,  
16-10788, 16-11377

vs.

NATIONAL LABOR RELATIONS BOARD,

Respondent/Cross-Petitioner

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**NOTICE OF SUPPLEMENTAL AUTHORITY**

Petitioner, JORGIE FRANKS, by and through her undersigned counsel, gives Notice of the attached Supplemental Authority, *National Labor Relations Board v. Alternative Entertainment, Inc.*, --- F.3d ---, 2017 WL 2297620 (6th Cir. 2017) (**EXHIBIT A**).

The above-referenced case, like the case at bar, was an NLRB enforcement proceeding. *See id.*, at \*1. Significantly, in *National Labor Relations Board v. Alternative Entertainment, Inc.*, the Sixth Circuit joined the Seventh and Ninth Circuits and held that the employer's bar on collective arbitration of work-related claims was illegal and rendered the arbitration agreement unenforceable because it purported to waive a federal substantive right guaranteed by the NLRA. *Id.*, at \*6 ("The NLRA prohibits mandatory arbitration provisions barring collective or class

action suits because they interfere with employees' right to engage in concerted activity, not because they mandate arbitration.”).

The Sixth Circuit evaluated all of the same arguments raised by all parties in the case at bar and agreed with the arguments raised by Petitioner/Cross-Respondent, Jorgie Franks (“Franks”), while rejecting the arguments proffered by the employer here.

Franks respectfully submits that this Court should enforce the NLRB’s Order ruling that the employer’s class action waiver contained in the mandatory arbitration agreement forced upon Franks is illegal and unenforceable for the same reasons the Sixth Circuit did in *National Labor Relations Board v. Alternative Entertainment, Inc.*

Respectfully submitted this 1st day of June, 2017.

/s/ Andrew R. Frisch

ANDREW R. FRISCH

FL Bar No. 27777

MORGAN & MORGAN, P.A.

600 N. Pine Island Road, Suite 400

Plantation, Florida 33324

Telephone: (954) WORKERS

Facsimile: (954) 327-3013

E-mail: AFrisch@forthepeople.com

FOR PETITIONER JORGIE FRANKS

**CERTIFICATE OF SERVICE**

The undersigned, counsel for Petitioner, hereby certifies that on June 1, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit using the CM/ECF system, which I understand will send notice of same to all counsel of record.

*/s/ Andrew R. Frisch*  
ANDREW R. FRISCH